



# Philip Ahlquist

Call 2012

*"Experienced beyond his years and a very impressive junior."*

*Chambers & Partners*

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Philip Ahlquist has been identified in *Chambers & Partners* a leading junior in the field of commercial dispute resolution.

Philip has a broad practice across the areas of chambers' expertise, with particular focus on commercial litigation and arbitration, energy disputes, banking and finance and professional regulation. Philip was named as one of twelve 'Stars at the Bar' by *Legal Week* in 2017. Clients say that Philip 'easily holds his own against silks many years ahead of his call', and have described him as 'both ridiculously clever and highly pragmatic', 'outstandingly analytical' and 'a real joy to work with'.

Philip has extensive advocacy experience and has appeared as an advocate in front of the Court of Appeal, the High Court and a range of other Tribunals. Philip has been involved in some of the most significant cases in his fields in recent years, including the *RBS Rights Issue Litigation* and the professional disciplinary proceedings following the *AI-Sweady Inquiry*.

## Recent Highlights

### **Harcus Sinclair Ltd & Another v Your Lawyers Ltd [2021] 3 W.L.R. 598**

Acting for Your Lawyers Ltd (led by Richard Coleman KC) in an appeal to the Supreme Court following the Court of Appeal's decision to discharge an injunction to prevent another firm from acting in group litigation proceedings in breach of a non-disclosure agreement. The Supreme Court upheld the contract as a reasonable and enforceable restraint of trade but concluded that the contract did not contain a solicitor's undertaking. The Supreme Court's judgment contains important analysis on solicitors' undertakings given on behalf of law firms trading through LLPs and limited companies.

### **SRA v Solicitor Z (2019-2020)**

Acting (with Richard Coleman KC) for the SRA in high-profile professional disciplinary proceedings against a solicitor involving allegations of misconduct when negotiating a non-disclosure agreement in relation to sexual misconduct allegations made by employees. The Tribunal refused to dismiss the proceedings, but the proceedings were stayed

on medical grounds in circumstances in which a fair trial of Solicitor Z was not possible.

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[Global Energy Horizons Corporation v Gray \[2021\] EWCA Civ 123](#), [\[2020\] EWCA Civ 1668](#), [\[2021\] 1 W.L.R. 2264](#), [\[2018\] EWHC 2822 \(Ch\)](#), [\[2019\] EWHC 228 \(Ch\)](#), [\[2019\] EWHC 229 \(Ch\)](#), [\[2019\] EWHC 1132 \(Ch\)](#) & [\[2019\] EWHC 1260 \(Ch\)](#)

Acting in Court of Appeal proceedings in connection with an account of profits for breach of fiduciary duty, concerning alleged interests in innovative technology for the extraction of oil from underperforming wells. Philip, appearing alongside leading counsel, argued several grounds of appeal during the 6-day appeal and also cross-examined the opposing party's expert witness during the first instance proceedings before Arnold J. The first instance proceedings raised a large number of disputed applications, in which Philip often appeared unled.

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### **Percival v Moto Novu LLC [2019] EWHC 1391 (QB)**

Appearing as sole counsel for a judgment debtor in an appeal against registration of a judgment under the original Judgments Regulation. The case, which raised difficult issues as to the scope of permissible appeals and the function of the registration procedure, is found at [\[2019\] EWHC 1391 \(QB\)](#).

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Instructed (with James Cutress KC) from 2017 to 2020 in multi-party ad-hoc arbitration proceedings before Sir Jeremy Cooke concerning an oil pipeline facility. The proceedings settled shortly before trial.

## Expertise

### **Administrative & Public Law**

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Philip's specialism in professional regulation means that he is very familiar with public law principles and procedures, and has experience of a variety of judicial review claims, often in the regulatory context. Recent experience includes:

#### Notable Administrative & Public Law cases

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Currently instructed to advise a financial services firm on potential judicial review proceedings arising out of change in regulatory arrangements following acquisition of the firm.

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Instructed (with Richard Coleman KC) to advise a high net worth individual on the merits of bringing judicial review proceedings against a regulator for their failure to bring disciplinary proceedings against a professional.

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### **SRA v Solicitor Z (2019-2020)**

Acting (with Richard Coleman KC) for the SRA in high-profile professional disciplinary proceedings against a solicitor

involving allegations of misconduct when negotiating a non-disclosure agreement in relation to sexual misconduct allegations made by employees. Following the Tribunal's decision not to dismiss the allegations but to stay them permanently on grounds of ill-health, both parties brought judicial review proceedings in which Philip was instructed. The case settled before the judicial review claims were heard.

## Aviation & Travel

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Philip has experience of a variety of commercial and consumer disputes in the aviation sector. He has represented and advised clients in claims arising from a variety of issues, ranging from complex lost baggage claims and passenger delay claims to the construction of force majeure clauses in airports' contracts for the allocation of slots to airlines.

Philip is the co-author, with Akhil Shah KC, of a talk on consumer protection legislation in the aviation sector, focusing on the Consumer Rights Act 2015 and other recent legislation which has had a substantial effect on the sector.

### Notable Aviation & Travel cases

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Advising parties involved in the aviation industry on issues concerning frustration and force majeure arising out of the COVID-19 pandemic and the impact it has had on the aviation industry.

Acting for airlines in defending claims brought by passengers. Philip has particular experience of acting in matters concerning delayed and cancelled flights as well as contractual disputes arising out of airlines' terms and conditions.

## Banking & Finance

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Philip is regularly instructed in banking and financial services litigation. He has advised and represented clients in substantial cases both unled and as part of a larger team.

Philip spent two months on secondment to the Financial Markets litigation department of Dentons LLP in 2015, working primarily on swaps litigation. In 2013-2014, Philip undertook a three-month secondment to a major retail bank to advise on issues arising in its review of sales of Interest Rate Hedging Products, including swap transactions. In 2014 Philip was seconded to Barclays' Retail and Business Banking team where he worked directly with the in-house legal team on a variety of County Court and High Court disputes.

### Notable Banking & Finance cases

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#### RBS Rights Issue Litigation

Instructed to act for RBS and four of its former directors in the RBS Rights Issue Litigation, a substantial Group Litigation claim relating to the accuracy of the representations made in RBS's Prospectus for its 2008 Rights Issue.

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Currently instructed in a £45 million claim in the Commercial Court in which the claimants allege that the defendant financial services company and various employees and associated companies defrauded them and conspired to involve them in unsuitable investments. Philip is instructed as sole counsel for one of the defendants.

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Currently instructed to advise a financial services company on potential legal proceedings arising out of the payment of fees to regulatory bodies.

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Instructed as sole counsel in a £4.5 million funding dispute concerning the financing of a construction project for battery storage facilities.

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Instructed as sole counsel in Commercial Court proceedings commenced by a lender to enforce obligations due under series of contracts in a mezzanine financing transaction.

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### **Bidgood v Barclays Bank [2017] EWHC 2942 (QB)**

Regularly instructed to represent major retail and investment banks in a wide variety of disputes, including mis-selling claims. He acted for Barclays Bank in a long-running claim in the High Court, defending an £8 million claim for alleged breach of the Lending Code.

## **Civil Fraud**

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Philip has experience of a variety of civil fraud claims, brought both in court proceedings and in international arbitrations. Philip's experience includes matters involving freezing injunctions and other interim relief.

### **Notable Civil Fraud cases**

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Currently instructed in a £45 million claim in the Commercial Court in which the claimants allege that the defendant financial services company and various employees and associated companies defrauded them and conspired to involve them in unsuitable investments. Philip is instructed as sole counsel for one of the defendants.

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Instructed with Richard Lissack KC in a civil fraud claim brought by a major City law firm against its former client, who was alleged to have fraudulently misrepresented the merits of its case to procure an advantageous conditional fee agreement.

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Recently instructed as sole counsel in relation to a claim brought by a company against a former manager for fraudulent diversion of employees' salaries. The claim was settled shortly before trial.

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Instructed to advise on English law issues in the context of a \$60 million-dollar claim substantial claim for the enforcement of foreign judgments at common law, involving allegations of fraud and multiple freezing injunctions, in

the British Virgin Islands.

## Commercial Disputes

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Philip is regularly instructed to act in a variety of commercial disputes, both as sole counsel and alongside leading counsel. Philip also has experience of advising on issues of private international law ranging from the enforcement of foreign judgments to complex jurisdictional and choice of law issues. In addition to Philip's work in the banking and financial services and energy sectors.

### Notable Commercial Disputes cases

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[Harcus Sinclair Ltd & Another v Your Lawyers Limited \[2021\] UKSC 32, reported \[2021\] 3 W.L.R. 598](#)

Acted for Your Lawyers Ltd (led by Richard Coleman KC) in an appeal to the Supreme Court following the Court of Appeal's decision to discharge an injunction to prevent another firm from acting in group litigation proceedings in breach of a non-disclosure agreement. The Supreme Court upheld the contract as a reasonable and enforceable restraint of trade but concluded that the contract did not contain a solicitor's undertaking. The Supreme Court's judgment contains important analysis on solicitors' undertakings given on behalf of law firms trading through LLPs and limited companies. Both the Court of Appeal decision and the first instance judgment were reported, at [\[2019\] 4 W.L.R. 81](#) and [\[2018\] 1 W.L.R. 2479](#) respectively.

### Global Energy Horizons Corporation v Gray

Currently instructed Court of Appeal proceedings in connection with an account of profits for breach of fiduciary duty, concerning alleged interests in innovative technology for the extraction of oil from underperforming wells. Philip, appearing alongside leading counsel, argued several grounds of appeal during the six-day appeal and also cross-examined the opposing party's expert witness during the first instance proceedings before Arnold J. The Court's judgment is reported at [\[2019\] EWHC 1260 \(Ch\)](#). Philip has appeared both led and unled in a number of interim applications, some of which are reported at [\[2018\] EWHC 2822 \(Ch\)](#), [\[2019\] EWHC 228 \(Ch\)](#), [\[2019\] EWHC 229 \(Ch\)](#) and [\[2019\] EWHC 1132 \(Ch\)](#). The applications involve numerous applications concerning expert reports, case management issues and a third party costs application against litigation funders outside the jurisdiction.

Currently instructed in a £45 million claim in the Commercial Court in which the claimants allege that the defendant financial services company and various employees and associated companies defrauded them and conspired to involve them in unsuitable investments. Philip is instructed as sole counsel for one of the defendants.

Instructed (with Derrick Dale KC) to advise in relation to a dispute concerning an indemnity offered as part of a corporate takeover transaction.

Instructed (with Derrick Dale KC) in High Court proceedings concerning claims for breach of contract, breach of directors' duties and wrongful termination of a director's appointment.

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## Percival v Moto Novu LLC

Appearing for a judgment debtor in an appeal against registration of a judgment under the original Judgments Regulation. The case, which raised difficult issues as to the scope of permissible appeals and the function of the registration procedure, is reported at [2019] EWHC 1391 (QB).

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Recently instructed to advise on a substantial claim for the enforcement of foreign judgments at common law in the British Virgin Islands, along with freezing injunctions obtained in support of the enforcement claim.

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Philip has extensive experience of enforcement proceedings in the English Courts. In addition to Percival v Moto Novu LLC, Philip has recently acted for a judgment creditor enforcing two Seychellois judgments in England, along with acting in two separate claims to enforce arbitration awards through the English Courts.

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## Company, Restructuring & Insolvency

Philip is frequently instructed in shareholder disputes. Much of his experience has involved disputes within ongoing joint ventures where the parties have been able to compromise their dispute before matters came into the public domain, allowing the business to continue.

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### Notable Company, Restructuring & Insolvency cases

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Instructed (led by Stephen Rubin KC and Alexander Milner KC) in an LCIA arbitration relating to the ownership of shares in a Russian technology company estimated to be worth more than \$3 billion. The case also involved an unfair prejudice petition in the British Virgin Islands.

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Acting (with James Cutress KC) from 2017 to 2020 in multi-party arbitration proceedings concerning an oil pipeline facility joint venture and the proper construction of the shareholders' agreement.

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Instructed with James Cutress KC from 2020 to 2021 in a multi-party dispute concerning costs-sharing in a pipeline joint venture.

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Currently instructed (with James Potts KC) to advise on unfair prejudice and related issues arising in a joint venture company operating petrol stations and hotels in motorway service areas.

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## Construction, Energy & Infrastructure

Philip has recently been instructed in a number of matters relating to the energy sector.

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### Notable Construction, Energy & Infrastructure cases

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Global Energy Horizons Corporation v Gray [2018] EWHC 2822 (Ch), [2019] EWHC 228 (Ch), [2019] EWHC 229 (Ch), [2019] EWHC 1132 (Ch) and [2019] EWHC 1260 (Ch)

Appearing in Court of Appeal proceedings in connection with an account of profits for breach of fiduciary duty, concerning alleged interests in innovative technology for the extraction of oil from underperforming wells.

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Currently instructed (with Anneliese Day KC) for an architect's firm defending allegations of professional negligence in proceedings before the Technology and Construction Court concerning cladding on high-rise residential accommodation.

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Acting (with James Cutress KC) from 2017 to 2020 in multi-party arbitration proceedings concerning an oil pipeline facility.

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Instructed with James Cutress KC in a multi-party dispute concerning costs-sharing in a pipeline joint venture.

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Instructed as sole counsel in a £4.5 million funding dispute concerning the construction of battery storage facilities.

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Currently instructed (with James Potts KC) to advise on unfair prejudice and related issues arising in a joint venture company operating petrol stations and hotels in motorway service areas.

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Other recent experience in the energy sector includes advising on oil storage contracts and advising on a variety of matters concerning the retail distribution of petroleum products, both in respect of franchises and joint ventures.

## Insurance

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Philip has experience of advising and representing both insured parties and insurers in insurance matters, acting both as sole counsel and as part of a larger team.

### Notable Insurance cases

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Currently instructed with Andrew Mitchell KC in a €50 million insurance arbitration concerning breach of warranty in a share purchase agreement.

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Advising on the interpretation and scope of an insurance policy for products liability in the automotive sector, in relation to a new type of product being brought to market.

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Acting as junior counsel in a team led by David Railton KC representing insurers in a substantial LCIA arbitration concerning a coverage dispute for mortgage fraud insurance.

## International Arbitration

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Philip regularly acts in substantial arbitration claims under a range of institutional rules. Philip's practice has covered a wide range of arbitration procedures, from preparation of detailed statements of case, discovery and disclosure disputes, applications to the Commercial Court in support of arbitrations, applications for partial awards and a wide variety of case management issues.

### Notable International Arbitration cases

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Currently instructed with Andrew Mitchell KC in a €50 million insurance arbitration before the LCIA concerning breach of warranty in a share purchase agreement.

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Acting (with James Cutress KC) from 2017 to 2020 in multi-party ad-hoc arbitration proceedings concerning an oil pipeline facility.

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Acting (with Stephen Rubin KC) in LCIA arbitration proceedings concerning enforcement of guarantees alleged to have been given in the context of extortion and corruption.

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Instructed (led by Stephen Rubin KC and Alexander Milner KC) in an LCIA arbitration relating to the ownership of shares in a Russian technology company estimated to be worth more than \$3 billion.

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Instructed in a number of cases concerning the enforcement of arbitration awards. For example, he has recently been currently instructed as sole counsel in an arbitration claim for enforcement of an award under the New York Convention.

## Privilege, Confidentiality & Conflicts of Interest

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Philip's expertise in both the professional regulation of legal professions and commercial litigation mean that he is well-placed to advise on issues of privilege, confidentiality and conflicts of interest arising in civil litigation, and he is frequently instructed to advise litigants, lawyers and regulators on such issues. He also advises frequently on the procedural steps necessary to protect client confidential information during legal proceedings.

Separately, Philip has been instructed in a number of substantial cases focused on allegations of breach of confidence, both under equitable principles and under contractual non-disclosure agreements. He has experience of dealing with applications for interim injunctions and restrictive covenants intended to protect confidential information.

### Notable Privilege, Confidentiality & Conflicts of Interest cases

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[Harcus Sinclair Ltd & Another v Your Lawyers Limited \[2021\] UKSC 32, reported \[2021\] 3 W.L.R. 598](#)



Acting for Your Lawyers Ltd (led by Richard Coleman KC) in an appeal to the Supreme Court following the Court of Appeal's decision to discharge an injunction to prevent another firm from acting in group litigation proceedings in breach of a non-disclosure agreement. The Supreme Court upheld the contract as a reasonable and enforceable restraint of trade but concluded that the contract did not contain a solicitor's undertaking. The Supreme Court's judgment contains important analysis on solicitors' undertakings given on behalf of law firms trading through LLPs and limited companies. Both the Court of Appeal decision and the first instance judgment were reported, at **[2019] 4 W.L.R. 81** and [2018] 1 W.L.R. 2479 respectively.

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Instructed (with Edward Levey KC) to defend an application for an injunction against an individual restraining him from disclosing confidential information about the claimants in the course of legal proceedings he had commenced against them in Israel.

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Advising law firm which was acting for both insurers and insured in a professional negligence claim about allegations of conflict of interest and breach of client privilege following insurer's decision to decline cover.

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Advising a high net worth individual on private prosecution for professional misconduct before the Solicitors Disciplinary Tribunal in relation to a solicitor who was alleged to have misused his confidential information.

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Advising a law firm on conduct issues arising from another firm's misuse of their client's confidential information.

## Professional Discipline

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Philip has a substantial regulation practice and is regularly instructed by both regulators and regulated professionals and entities. Philip has extensive experience of cases involving the professional regulation of solicitors, including having appeared for the SRA before both the Solicitors Disciplinary Tribunal and the Administrative Court. He regularly acts for the SRA and for solicitors and firms who are subject to investigations and proceedings.

In addition to matters concerning the professional regulation of solicitors, Philip has experience of advising and representing clients in the context of financial services, insurance and intellectual property regulatory regimes.

### Notable Professional Discipline cases

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#### SRA v Solicitor Z (2019-2020)

Acting (with Richard Coleman KC) for the SRA in high-profile professional disciplinary proceedings against a solicitor involving allegations of misconduct when negotiating a non-disclosure agreement in relation to sexual misconduct allegations made by employees. The Tribunal refused to dismiss the proceedings, but the proceedings were stayed on medical grounds in circumstances in which a fair trial of Solicitor Z was not possible.

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#### SRA v Khan

Currently acting for the SRA in its disputes with Soophia Khan, following the SRA's intervention into her practice and her firm in August 2021 and the referral of allegations against Ms Khan to the Solicitors Disciplinary Tribunal. The intervention into Ms Khan's practice and her subsequent committal to prison for contempt of court have been widely reported in the legal and national press.

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### Privy Council appeal

Currently acting for a veterinary surgeon in his appeal to the Privy Council against the decision of a Disciplinary Committee of the Royal College of Veterinary Surgeons.

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### Harcus Sinclair Ltd & Another v Your Lawyers Limited [2021] UKSC 32, reported [2021] 3 W.L.R. 598

Acting for Your Lawyers Ltd (led by Richard Coleman KC) in an appeal to the Supreme Court following the Court of Appeal's decision to discharge an injunction to prevent another firm from acting in group litigation proceedings in breach of a non-disclosure agreement. The Supreme Court upheld the contract as a reasonable and enforceable restraint of trade but concluded that the contract did not contain a solicitor's undertaking. The Supreme Court's judgment contains important analysis on solicitors' undertakings given on behalf of law firms trading through LLPs and limited companies. Both the Court of Appeal decision and the first instance judgment were reported, at [\[2019\] 4 W.L.R. 81](#) and [\[2018\] 1 W.L.R. 2479](#) respectively.

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### Intellectual Property Regulation Board v Joshi, Welch (2020)

Acting for the Intellectual Property Regulation Board in a four-day disciplinary hearing against two respondents concerning allegations of lack of integrity in the conduct of their firm. The Disciplinary Board found all but one allegation proved against both respondents and ordered the suspension of their registration for periods of six and eight months respectively.

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Representing the SRA in appeals before the Administrative Court from the SDT including [Ellis v SRA \[2016\] EWHC 2836 \(Admin\)](#) and [Gurpinar v SRA \[2016\] EWHC 1549 \(Admin\)](#).

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Advising a law firm on allegations of conflict of interest in representing both insurers and insured.

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Advising an individual solicitor on his response to SRA investigations alleging dishonest misuse of client funds.

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Advising a junior solicitor and her supervising partner on their response to SRA notice intending to impose sanctions against them for alleged misconduct in settling civil proceedings.

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Instructed (led by Timothy Dutton KC) in disciplinary proceedings brought by the SRA against solicitors arising out of the Al-Sweady Inquiry.

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## Boreh v Republic of Djibouti & Others [2015] EWHC 769 (Comm)

Instructed with Timothy Dutton KC for a firm of solicitors in relation to a wasted costs application arising out of alleged misconduct by a solicitor.

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Philip also has experience of advising the SRA, professionals and law firms on regulatory issues.

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## Professional Negligence

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In addition to his practice in professional discipline and regulatory matters, Philip has experience of professional negligence claims. His recent practice has focused particularly on legal services and financial matters, in which Philip's experience of professional regulation and commercial disputes brings additional insight into the issues arising in professional negligence claims.

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## Notable Professional Negligence cases

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Currently instructed (with Anneliese Day KC) for an architect's firm defending allegations of professional negligence in proceedings before the Technology and Construction Court concerning cladding on high-rise residential accommodation.

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Acting (as sole counsel) for a claimant in a claim against solicitors arising out of a substantial and long-running commercial court claim. The claim against the solicitors, which settled before trial, involved allegations of professional negligence, breach of undertaking and breach of trust.

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Acting (with Laura John KC) for an investment management firm defending a claim of professional negligence in managing a client's portfolio.

## Directory Quotes

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*"Very good in court and very assured, he is both ridiculously clever and highly pragmatic."*

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Chambers & Partners

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*"He's very hard-working, dedicated and clever, and his work product is way beyond his years."*

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Chambers & Partners

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*"Outstandingly analytical, he writes brilliant advice notes and is a real joy to work with."*

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Chambers & Partners

*"Easily holds his own against silks many years ahead of his call."*

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The Legal 500

*"Of outstanding intelligence, researches thoroughly and has enormous knowledge of the field. His written work is superb. He expresses himself in both written and oral advocacy with great economy."*

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The Legal 500

*"Philip is a star of the future, whose advocacy is top-notch." "He easily absorbs complex sets of facts, which he turns into commercial and persuasive advice."*

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Chambers & Partners

*"Philip is a top junior who easily absorbs complex facts and turns them into commercial and persuasive advice and arguments." "He has an absolutely relentless eye for detail and anomalies that impresses clients and instructing solicitors alike."*

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Chambers & Partners

*"An excellent strategist and a very clever and diligent barrister."*

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Chambers & Partners

*"A junior of immense talent and credibility for clients, with creative arguments at his fingertips."*

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Chambers & Partners

## Directory Rankings

## Chambers & Partners – UK Bar Guide

- Commercial Dispute Resolution
- Professional Discipline

## Chambers & Partners – Global Guide

- Dispute Resolution: Commercial – UK

## The Legal 500 – UK Bar Guide

- Professional Disciplinary & Regulatory Law

## Education

- BPTC (Outstanding), BPP Law School
- BCL (Distinction), Magdalen College, University of Oxford
- BA (Jurisprudence) (First Class), Magdalen College, University of Oxford

## Appointments, Memberships and Prizes

- Horace Avory BPTC Scholarship, Inner Temple (2011-2012)
- Law Faculty Prize for best performance in European Private Law of Contract (BCL Finals 2011)
- Slaughter & May Prize for best performance in Law of Contract (Law Finals 2010)
- Scholarship, Magdalen College, University of Oxford (2008-2010)

## Publications

- “Proceedings against solicitors for negligent conduct of claims – how far should the court try the original claim?” (2014) 30 *Journal of Professional Negligence* 158 – case comment on *Raleys Solicitors v Barnaby* [2014] EWCA Civ 686
- “Horizontalty: questioning the concept” (2008) *Cambridge Student Law Review* 131

## Awards

